

Constitution of Texas conferring the privilege to vote upon any person who is a member of the regular establishment of the United States Army, Navy, Marine Corps, or component branches thereof; providing for poll tax payments by voters, and providing for poll tax exemptions for former members of the Armed Forces of the United States."

"AGAINST: The amendment to Sections 1, 2 and 2-a of Article VI of the Constitution of Texas conferring the privilege to vote upon any person who is a member of the regular establishment of the United States Army, Navy, Marine Corps, or component branches thereof; providing for poll tax payments by voters, and providing for poll tax exemptions for former members of the Armed Forces of the United States."

Each voter shall mark out one of said clauses on the ballot, leaving the one expressing his vote on the proposed amendment; and if it shall appear from the returns of said election that a majority of the votes cast are in favor of said amendment, the same shall become a part of the Constitution of the State of Texas.

Section 3. The Governor shall issue the necessary proclamation for said election and have the same published as required by the Constitution and laws of this State. The expense of publication and election for such amendment shall be paid out of proper appropriation made by law.

Senator Rutherford offered the following amendment to the amendment:

Amend Amendment No. 2 to H. J. R. No. 10, in Section 2-a by striking out the words "or the United States Maritime Service or the United States Merchant Marine".

Question on adoption of the amendment, Yeas and Nays were demanded.

The amendment to the amendment was adopted by the following vote:

Yeas—27

Ashley	Lock
Bell	Martin
Bracewell	McDonald
Colson	Moffett
Corbin	Moore
Hardeman	Parkhouse
Hazlewood	Phillips
Kazen	Rogers
Kelley	of Childress
Latimer	Rogers of Travis

Rutherford	Strauss
Sadler	Wagnonseller
Secrest	Weinert
Shireman	Willis

Nays—1

Aikin

Absent

Fuller

Absent—Excused

Lane

Russell

Senator Shireman offered the following amendment to the amendment:

Amend Amendment No. 2 for H. J. R. No. 10, page 2, Section 2-a, as follows: By inserting at the end of line 8 the following: "who at or before his entry into any branch or component part of such Armed Forces or Armed Force Reserve was a resident of the State of Texas, as provided in Section 2."

The amendment to the amendment was adopted.

Question—Shall the amendment by Senator Hardeman to H. J. R. No. 10, as amended, be adopted?

Adjournment

On motion of Senator Weinert, the Senate at 11:40 o'clock a. m. adjourned until 10:30 o'clock a. m. tomorrow.

## FIFTIETH DAY

(Thursday, April 16, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moore
Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagnonseller
McDonald	Weinert
Moffett	Willis

**Absent—Excused****Kelley****Lane**

A quorum was announced present.

The Invocation was offered by the Reverend W. H. Townsend, Chaplain, as follows:

Our Father, we thank thee for Texas, and the men, means, and materials that have made her great. We pray now for all our institutions, and may this Senate be wise, courageous, and cooperative in plans, provisions, and the perpetuation of them. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence**

Senator Kelley was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

Senator Lane was granted leave of absence for today on account of important business on motion of Senator Aikin.

**Message from the House**

Hall of the House of Representatives.

Austin, Texas,  
April 16, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. J. R. No. 2, Proposing an amendment to Article IX of the Constitution of the State of Texas by adding thereto a new section to be known as Section 4, by providing that the Legislature may authorize the creation of county-wide hospital districts in certain counties if approved by the qualified property taxpaying voters at an election held for that purpose within such district; etc.

(With amendments.)

S. J. R. No. 4, Proposing an amendment to the Constitution of the State of Texas to provide for a four-year term of office for elective district, county and precinct officers; staggering the terms of such offices by hav-

ing certain holders of such offices be elected for terms of varying length in November, 1954, general election; and providing for the necessary proclamation and election.

Respectfully submitted,  
**CLARENCE JONES,**  
Chief Clerk, House of Representatives

**Reports of Standing Committees**

Senator Hardeman submitted the following reports:

Austin, Texas,  
April 15, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred S. B. No. 210, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but the Committee Substitute Bill, as amended and attached hereto, do pass in lieu thereof and be printed.

**HARDEMAN, Chairman.**

C. S. S. B. No. 210 was read first time.

Austin, Texas,  
April 15, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 175, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

**HARDEMAN, Chairman.**

Senator Phillips submitted the following report:

Austin, Texas,  
April 16, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred S. B. No. 7, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass with amendments and be printed.

**PHILLIPS, Chairman.**

**Senate Bill 315 on First Reading**

The following local bill was intro-

duced, read first time and referred to the committee indicated.

By Senator Russell:

S. B. No. 315, A bill to be entitled "An Act to regulate the taking of minnows from the streams and rivers in Collin and Rockwall Counties; providing a penalty; repealing all laws in conflict; and declaring an emergency."

To the Committee on Game and Fish.

#### Senate Bill 316 on First Reading

Senator Bracewell moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Parkhouse
Ashley	Phillips
Bell	Rogers
Bracewell	of Childress
Colson	Rogers of Travis
Corbin	Russell
Fuller	Rutherford
Hardeman	Sadler
Kazen	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagon seller
McDonald	Weinert
Moffett	Willis
Moore	

Absent

Hazlewood

Absent—Excused

Kelley Lane

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bracewell:

S. B. No. 316, A bill to be entitled "An Act amending Article 4204 of the Revised Civil Statutes of the State of Texas, 1925, so as to provide that when real estate is sold by a guardian partly on credit, the cash payment shall be not less than thirty (30%) per cent of the purchase price; and declaring an emergency."

To the Committee on Civil Jurisprudence.

#### Senate Concurrent Resolution 40 on First Reading

Senator Ashley moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Parkhouse
Ashley	Phillips
Bell	Rogers
Bracewell	of Childress
Colson	Rogers of Travis
Corbin	Russell
Fuller	Rutherford
Hardeman	Sadler
Kazen	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagon seller
McDonald	Weinert
Moffett	Willis
Moore	

Absent

Hazlewood

Absent—Excused

Kelley Lane

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 40, Granting Leo Wyres et al. permission to sue the State.

Whereas, It is alleged that the employees of Livestock Sanitary Commission during the year 1952 erroneously required the dipping of sheep belonging to Leo Wyres who resided in McCulloch County, Texas, as well as sheep belonging to W. W. Jordan, of McCulloch County, Texas; and

Whereas, Such sheep were dipped under the direction of the Livestock Sanitary Commission or its officers, agents, representatives, servants, or employees; and

Whereas, It is alleged that as a result of such dipping a large number of such sheep belonging to Leo Wyres and a large number of sheep belonging to W. W. Jordan became damaged, ill, and many thereof died; and

Whereas, The Heart o' Texas Commission Company, a partnership composed of J. L. Dunlap and H. D. Grif-

fifth, residents of McCulloch County, Texas, were the owners of the pens and vats in which such sheep were dipped, and it is alleged such commission company has suffered a great loss in business because owners of sheep have been afraid to have their sheep dipped in the pens and vats of the company by reason of the fact that the other sheep mentioned above were damaged and many died after such dipping; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that: Leo Wyres of McCulloch County, Texas; W. W. Jordan of McCulloch County, Texas, and Heart o' Texas Commission Company, a partnership composed by J. L. Dunlap and H. D. Griffith, are each and all given and granted permission to sue the State of Texas and the Livestock Sanitary Commission of the State of Texas in any court of competent jurisdiction in McCulloch County, Texas, to determine what damage, if any, they are entitled to recover of and from the State of Texas and/or the Livestock Sanitary Commission by reason of any wrongful act whatsoever of the State of Texas or the Livestock Sanitary Commission or the officers, agents, representatives, servants, or employees of either in connection with the dipping of such sheep as mentioned above.

Service of citation, or any other necessary process, may be had upon the Chairman of the Livestock Sanitary Commission of Texas and the Attorney General of Texas, and the same shall have the same force and effect as made and provided in civil cases, and any of the parties to such suit shall have the right of appeal.

It is understood and provided hereby that the sole purpose of this resolution is to grant permission to the aforementioned persons to bring suit against the State of Texas and the Livestock Sanitary Commission of the State of Texas, and no admission of liability of the State of Texas or the Livestock Sanitary Commission of the State of Texas is made by the passage of this resolution, and the facts upon which plaintiffs, or any of them, seek to recover must be proved in court as in any other civil case.

To the Committee on Civil Jurisprudence.

#### Senate Resolution 229

Senator Lock offered the following resolution:

Whereas, The magazine Texas Parade is the only statewide publication dedicated to interpreting Texas to the people of this and other States, and publicizing the opportunities that exist with the resources that man and nature have provided within the boundaries of the Lone Star State; and

Whereas, The favorable publicity that has come to Texas through the columns of Texas Parade has been achieved through no cost to the taxpayers of Texas; and

Whereas, It is the avowed policy of Texas Parade to continue its missionary work on a non-profit basis for the edification of Texas and Texans; and

Whereas, In May of this year Texas Parade will celebrate the conclusion of its fifth postwar year in its endeavor to interpret Texas; now, therefore, be it

Resolved, that the Senate of this State hereby extend to the publishers and editors of Texas Parade the official congratulations of Texas for the success of "The Magazine that Tells the Story of Texas"; be it further

Resolved, That the official gratitude of Texas be expressed for the achievements of the past half decade in giving thousands of Texans a better understanding of their own State and the heritage that is theirs; that recognition be given to the attention that this publication has caused to be centered from the world's four corners on the fabulous opportunity that Texas affords.

The resolution was read and was adopted.

#### Message From the Governor

The following message, received from the Governor today, was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,  
April 16, 1953.

To the Senate of the Fifty-third Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To the members of the Board of Managers of the Texas State Railroad:  
For two-year term to expire April

8, 1955: E. M. Decker, Jr., of Jacksonville, Cherokee County;

For four-year term to expire April 8, 1957: K. A. Anderson of Palestine, Anderson County (designated chairman);

For six-year term to expire April 8, 1959: William Richards of Athens, Henderson County.

To be members of the State Board of Medical Examiners for terms to expire April 13, 1959:

Dr. L. H. Denman of Lufkin, Angelina County;

Dr. R. H. Peterson of Wichita Falls, Wichita County;

Dr. M. H. Crabb of Fort Worth, Tarrant County;

Dr. Howard O. Smith of Marlin, Falls County.

Respectfully submitted,  
ALLAN SHIVERS,  
Governor of Texas.

#### Minority Report on House Bill 542 Substituted for Majority Report

Senator Bell moved to substitute the Minority Report for the Majority Report on H. B. No. 542.

The motion prevailed by the following vote:

#### Yeas—19

Aikin	Parkhouse
Bell	Rogers
Bracewell	of Childress
Colson	Rogers of Travis
Corbin	Russell
Hazlewood	Rutherford
Latimer	Sadler
Lock	Strauss
Moffett	Wagonseller
Moore	Willis

#### Nays—10

Ashley	McDonald
Fuller	Phillips
Hardeman	Secrest
Kazen	Shireman
Martin	Weinert

#### Absent—Excused

Kelley	Lane
--------	------

#### House Bill 171 on Second Reading

The President laid before the Senate as unfinished business on its passage to third reading, the following bill (the bill having been read the second time on Wednesday, March 4, 1953, and again laid before the Senate on Thursday, March 5, 1953):

H. B. No. 171, A bill to be entitled "An Act to amend Article 1.15, Acts 52nd Legislature, Chapter 491, so as to provide that the Chairman of the Board of Insurance Commissioners shall once each three years, or oftener if he deems it necessary, in person or by persons commissioned by him, visit each company under the laws of this State and examine its financial condition and its ability to meet its liabilities as well as its compliance with the laws of this State, etc.; and declaring an emergency."

Question—Shall H. B. No. 171 be passed to third reading?

H. B. No. 171 failed to pass to third reading by the following vote (not receiving four-fifths vote of the Members present):

#### Yeas—12

Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Latimer	Rogers of Travis
Lock	Shireman
Moffett	Strauss

#### Nays—17

Aikin	Rogers
Ashley	of Childress
Corbin	Russell
Fuller	Rutherford
Hardeman	Sadler
Hazlewood	Secrest
Kazen	Wagonseller
Martin	Weinert
McDonald	Willis

#### Absent—Excused

Kelley	Lane
--------	------

#### Bills Signed

The President signed, in the presence of the Senate after the captions had been read, the following enrolled bills, subject to the provisions of Section 49-a of Article III of the State Constitution:

H. B. No. 846, A bill to be entitled "An Act making an appropriation of the sum of Seven Hundred and Fifty Thousand Dollars (\$750,000), or so much thereof as may be necessary out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Fifty-third Legislature, and to pay

any unpaid accounts of additional expenses of the Lieutenant Governor while acting as Governor; and declaring an emergency."

H. B. No. 111, A bill to be entitled "An Act appropriating money for the support of the State Government, and for State aid to designated public junior colleges; authorizing and prescribing conditions, limitations, rules, and procedures, for allocating and expending the appropriated funds; and declaring an emergency."

#### House Bill 35 on Second Reading

Senator Bell asked unanimous consent to suspend the regular order of business to take up for consideration at this time on its second reading and passage to third reading H. B. No. 35.

There was objection.

Senator Bell then moved to suspend the regular order of business and take up H. B. No. 35.

The motion prevailed by the following vote:

#### Yeas—19

Aikin	Parkhouse
Ashley	Phillips
Bell	Rogers
Corbin	of Childress
Fuller	Russell
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Lock	Shireman
Moore	Wagonseller

#### Nays—8

Colson	Rogers of Travis
Latimer	Strauss
Martin	Weinert
Moffett	Willis

#### Absent

Bracewell	McDonald
-----------	----------

#### Absent—Excused

Kelley	Lane
--------	------

The President laid before the Senate for consideration at this time on its second reading and passage to third reading the following bill:

H. B. No. 35, A bill to be entitled "An Act to amend the Workmen's Compensation Law of Texas by amending Sections 6, 7, 7a, 7b, and 12f of Article 8306, Section 4 of

Article 8307, and Article 8309a, as amended; providing chiropractic examinations and services for employees covered by the Act; etc.; and declaring an emergency."

The bill was read second time.

Senator Bell offered the following committee amendment to the bill:

Amend House Bill 35, Section 11-a "Section 18" by striking out the word "during" in the first sentence thereof and inserting the word "in."

The committee amendment was adopted.

Senator Bell offered the following committee amendment to the bill:

Amend House Bill 35, Section 11-a in "Section 18," second sentence by striking out the word "that."

Senator Bell offered the following substitute for the committee amendment:

Amend H. B. No. 35 by striking out the word "that" in line 51, page 6.

The substitute for the committee amendment was adopted.

The committee amendment, as substituted, was adopted.

Senator Bell offered the following committee amendment to the bill:

Amend House Bill 35, Section 11-a "Section 18," second sentence by inserting between the words "furnishing" and "hospitalization" the word "either."

Senator Bell offered the following substitute for the committee amendment:

Amend H. B. No. 35, line 53, page 6, by inserting between the words "furnishing" and "hospitalization" the word "either."

The substitute for the committee amendment was adopted.

The committee amendment, as substituted, was then adopted.

Senator Bell offered the following committee amendment to the bill:

Amend H. B. No. 35, Section 12 in "Section 6" by inserting between the figures "15" and "16" the figure "15a."

The committee amendment was adopted.

Senator Bell offered the following committee amendment to the bill:

Amend H. B. No. 35 by adding a new section to be known as Section 6a, which said section shall provide for a new section to Article 8308, of the Revised Civil Statutes of Texas, 1925, as amended, to be known as Section 1A of Article 8308:

"Section 1A. The term "Chiropractic Service" shall include, but shall be limited to, Chiropractic as defined by the Laws of this State and the term "Chiropractor" shall include, but be limited to Chiropractors licensed by the Texas Board of Chiropractic Examiners whose licenses are properly registered and in good standing as required by the Laws of this State."

The committee amendment was adopted.

On motion of Senator Bell and by unanimous consent of the Senate, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to third reading.

#### Motion to Place House Bill 35 on Third Reading

Senator Bell moved that the Constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 35 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate):

#### Yeas—20

Aikin	Parkhouse
Bell	Phillips
Bracewell	Rogers
Corbin	of Childress
Fuller	Russell
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Latimer	Shireman
McDonald	Wagonseller
Moore	

#### Nays—8

Ashley	Rogers of Travis
Colson	Strauss
Martin	Weinert
Moffett	Willis

#### Absent

Lock

#### Absent—Excused

Kelley

Lane

#### Bill Signed

The President signed in the presence of the Senate, after the caption had been read, the following enrolled bill:

H. B. No. 23, A bill to be entitled "An Act providing for the transfer of moneys now on deposit in the State Treasury to the credit of the following Special Revenue Funds and Special Fee Accounts: the Citrus Fruit Inspection Fund, the Pure Bred Cottonseed Inspection Fund, the 2-4-D License Fund, the Herbicide Fund, the Seed Laboratory Fee Account, the Nursery Inspection Fee Account, the Weights and Measures Fee Account, the Charter Filing Fee Account, the Anti-freeze Registration Fee Account and the Insecticide and Fungicide Fee Account, to a single fund in the State Treasury to be known as the Special Department of Agriculture Funds; etc., and declaring an emergency."

#### Local and Uncontested Bills Session

On motion of Senator Martin and by unanimous consent, the Senate agreed to hold a session for Local and Uncontested Bills on Monday, April 20, 1953, at 10:30 o'clock a. m.

#### Adjournment

On motion of Senator Weinert, the Senate at 11:53 o'clock a. m. adjourned until 10:30 o'clock a. m. on Monday, April 20, 1953.

#### Record of Vote

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

**In Memory of**  
**Davis Lambright**

---

Senator Willis offered the following resolution:

(Senate Resolution 230)

Whereas, The Heavenly Father, in His infinite wisdom, has called from his earthly labors, Mr. Davis Lambright of Fort Worth; and

Whereas, Mr. Lambright was an outstanding citizen of Texas and of Fort Worth, having always contributed generously and willingly of his talents to the end that the welfare of his fellow citizens would be improved; and

Whereas, Mr. Lambright in his short life rose to the position of traffic manager of Sid Richardson Industries after coming to Fort Worth in 1925, winning the respect and friendship of all whom he worked with; and

Whereas, Mr. Lambright was a member of the General Worth Assembly of the Fourth Degree of Knights of Columbus, serving as district deputy of the 4th district of Texas five years and was a state deputy at his passing; and

Whereas, He was past grand knight of the Msgr. Robert M. Nolan Council of Fort Worth, a member of the Order of the Alhambra, Fort Worth Traffic Club, and was past president of Delta Nu Alpha, transportation fraternity; and

Whereas, Some of Mr. Lambright's civic activities and accomplishments include being on the state advisory committee of the March of Dimes, member of National Gas Products Association, Natural Gasoline Association, and the Dallas Chapter of Interstate Commerce Commission Practitioners Association; and

Whereas, Mr. Lambright's passing is a deep loss to our State and to Fort Worth; now, therefore, be it

Resolved, That the Senate of Texas express to the immediate members of the family our sincere sympathy and regret upon the passing of this distinguished citizen; and be it further

Resolved, That a page be set aside in the Senate Journal as a memorial to him, and that a copy of this resolution be mailed to the members of his family, and to the Sid Richardson Industries, Fort Worth Club Building, Fort Worth.

STRAUSS  
WILLIS  
BELL  
KAZEN

The resolution was read and was adopted by a rising vote of the Senate.